

REMARKS

Status of the Claims

Claims 12-24, 27-30, 32-35, 37, and 39-41 are pending.

Claims 12, 20, 27, and 33 are amended.

Applicant has amended claim 27 to correct a minor typographical error.

Applicant respectfully asserts that claims 17-24 overcome and are allowable over the Examiner's rejection under 35 U.S.C. §103 because the claimed invention is directed to statutory subject matter. Favorable reconsideration is respectfully requested.

With regarding to the Examiner's rejections under 35 U.S.C. §102 and 35 U.S.C. §103, applicant respectfully asserts that Koga does not include each and every element of the claimed invention. Koga does not provide for an outlet port that directly communicates with the cavity defined by the baffle structure. Moreover, it would not have been obvious for one of ordinary skill in this art to move the tube in Koga to a position as defined in the claims. The absence of Koga as a primary reference results in failure of the additional rejections which rely on the teachings of Koga. The fundamental allowability of the present claims over Koga results in allowability of these claims over Koga in combination with any of the other references cited by the Examiner.

By way of review, the present invention dispenses heated water from the reservoir using a baffle structure to drain the highest temperature heated water at the top of the reservoir into the cavity and out through the outlet port.

It should be noted that Koga does not anticipate such a structure and, in fact, teaches a way from this structure as shown and described with reference to Figure 15. Figure 15, in combination with Figure 14 indicates that the "bubble prevention plate" 11 includes bores 11A. With reference to Figure 14, it can be seen that the level of the water in the Koga reservoir is at a single level. The single level is achieved by use of the bores through the side wall of the bubble prevention plate. Therefore, Koga teaches away from the use of a baffle which only allows water to flow over the top of the baffle into the cavity for subsequent draining through the outlet port.

The amendments to the claims are fully supported by the specification and the drawings as originally filed and do not add any new matter. For the foregoing reasons, Applicant respectfully asserts that claims 12-24, 27-30, 32-35, 37, and 39-41 are in condition for allowance as amended herein and as such, allowance is, respectfully requested. Favorable reconsideration of the claims as amended herein is respectfully requested.

If there is any issue remaining to be resolved, the Examiner is invited to contact the undersigned attorney by telephone so that resolution can be promptly effected.

Applicant herewith Petitions for a Three-Month Extension of Time. It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and any other fees or shortages in other fees, being charged, or any overpayment in such fees being credited, to the Deposit Account of Barnes & Thornburg LLP, Deposit Account No. 12-0913 acknowledging attorney docket no. (27726-97775).

Respectfully submitted,
BARNES & THORNBURG LLP



Grant H. Peters
Reg. No. 35,977
Tel. No. (312) 214-8332